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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,982	03/11/2004	Debasis Majumdar	81794BLMB	5000

7590 11/04/2004
Paul A. Leipold
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343 State Street
Rochester, NY 14650-2201

EXAMINER

WALKE, AMANDA C

ART UNIT PAPER NUMBER

1752

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,982

Applicant(s)

MAJUMDAR ET AL.

Examiner

Amanda C Walke

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Priority

1. This application appears to be a division of Application No. 09/853846, filed 10/30/98. A later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The divisional application should set forth the portion of the earlier disclosure that is germane to the invention as claimed in the divisional application.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais et al (6,022,677) in view of Foy et al (4,331,786) or Ueda et al (5,604,284).

Bourdelais et al disclose an imaging element comprising a layer of biaxially oriented sheet adhered to the bottom surface of a base wherein said biaxially oriented sheet adhered to the bottom surface has a surface roughness average of between about 0.30 to 2.00 microns. Any

suitable biaxially oriented polyolefin sheet may be used for the sheet on the topside of the laminated base of the invention. Microvoided composite biaxially oriented sheets are preferred and are conveniently manufactured by coextrusion of the core and surface layers, followed by biaxial orientation, whereby voids are formed around void-initiating material contained in the core layer. The composite sheet, while described as having preferably at least three layers of a microvoided core and a skin layer on each side, may also be provided with additional layers that may serve to change the properties of the biaxially oriented sheet. A different effect may be achieved by additional layers. Such layers might contain tints, **antistatic materials**, or different void-making materials to produce sheets of unique properties. Biaxially oriented sheets could be formed with surface layers that would provide an improved adhesion, or look to the support and photographic element. The biaxially oriented extrusion could be carried out with as many as 10 layers if desired to achieve some particular desired property. While the reference teaches that antistatic materials may be added to the extruded polymer sheets, the reference is silent with respect to specific materials.

Foy et al disclose a moldable and/or extrudable polyether-ester-amide block copolymers having recurrent units wherein A is a polyamide sequence and B is a polyoxyalkylene sequence and a method for preparing same by condensation of a dicarboxylic polyamide with a polyoxyalkylene glycol. It is a further particular object of the present invention to provide such polyether-ester-amide block copolymers which are elastomers and are transformable into articles consisting essentially of these copolymers, such as impervious or watertight joints, bellows, e.g. automobile hoods, elastomeric fibers and films, elastomeric membranes and balloons. The proportion by weight of the polyoxyalkylene glycol with respect to the total weight of the

polyether-ester-amide block copolymer can vary from about 5% to about 90%, suitably from about 5% to about 85%.

Given the teachings of the reference, it would have been obvious to one of ordinary skill in the art to prepare the material of Bourdelais et al choosing to employ the antistat material taught by Foy et al to increase mechanical properties, with reasonable expectation of achieving a film having improved strength properties and curl control.

Ueda et al disclose a polyetheresteramide having good heat resistance, permanent antistatic property and superior compatibility with thermoplastic resins and a resin composition containing the polyetheresteramide are disclosed, wherein the polyetherester-amide consists essentially of a polyamide oligomer with carboxylic chain ends having a number average molecular weight between 200 and 5,000 and a bisphenol compound with oxyalkylene units having a number average molecular weight between 300 and 3,000. Antistatic resin compositions with good antistatic property and heat resistance are obtained from compositions comprising 3 to 40% by weight of the polyetheresteramide and 60 to 97% by weight of thermoplastic resins. The antistatic resin compositions can contain as compatibilizers vinyl polymers having functional groups such as carboxyl and epoxy groups or block polymers containing polyolefin blocks and aromatic vinyl polymer blocks. To further improve the antistatic property of the resin composition a composition comprising at least 97% by weight of the polyetheresteramide and at least 0.01% by weight of an alkali metal or alkaline earth metal halide can be used in the same way as the polyetheresteramide.

Given the teachings of the reference, it would have been obvious to one of ordinary skill in the art to prepare the material of Bourdelais et al choosing to employ the antistat material

taught by Ueda et al to increase heat resistance, with reasonable expectation of achieving a film having improved strength properties and curl control,

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bourdelaïs et al (6,030,742), Majumdar et al (6,197,486), and Greener et al (6,207,361) are cited for their teachings of similar materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

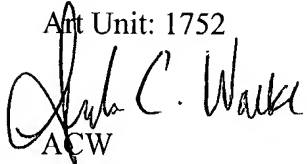
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda C Walke
Examiner
Art Unit 1752

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ACW

October 31, 2004